UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,071	12/28/2001	Andrew F. Glew	42390.P13769	5239

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INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER
TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/041,071	Applicant(s) NEIGER
	Examiner Tamara Teslovich	Art Unit 2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 July 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>2-4,6-13 and 15-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>2-4,6-13 and 15-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to the Applicant's Remarks and Amendments

filed July 10, 2007.

Claims 5, 14, and 19-34 remain cancelled.

Claims 3-4, 6-9, 13, and 15-18 are amended.

Claims 1-4, 6-13, and 15-18 are pending and herein considered.

Response to Arguments

Applicant's arguments filed July 10, 2007 in response to the Examiner's 35 USC

102(e) rejection of claims 2-4, 6-13 and 15-18 have been fully considered but they are

not persuasive.

In response to Applicant's remarks concerning England's alleged failure to teach

or disclose the "reconfiguring of cache memory to operate in a mode in which cache

lines are replaced in response to cache misses" the Examiner respectfully disagrees

and draws the Applicant's attention to column 11 lines 40-62. England teaches within

these lines his "UnlockBus" instruction which terminates his "LockBus" function, thereby

restoring (reconfiguring) his cache memory to operate in a mode in which cache lines

are once again replaced in response to cache misses. It appears clear from this citation

in view of the reference in its entirely that England does in fact disclose the

reconfiguration limitation of claim 3.

In response to Applicant's remarks concerning England's alleged failure to teach

or disclose the "memory controller" and "separate private memory controller" of claim 15

the Examiner respectfully disagrees drawing the Applicant's attention to column 7 lines

30-34. Within this set of lines, England discloses the use of a "curtained-memory

controller" located in Ring A and in control of the curtained memory. This memory is

separate and distinct from the memory controller (or controllers) 133 which controls the

basic memory. It appears clear from this citation in view of the reference in its entirely

that England does in fact disclose the separate memory controller limitation of claim 15.

For the reasons given above, the Examiner maintains her 35 U.S.C. 102(e)

rejections of claims 2-4, 6-13, and 15-18 in view of England as presented in the

previous office action and repeated below with amendments in response to Applicant's

claim amendments.

Applicant's amendments filed July 10, 2007 in response to the Examiner's 35

USC 112 rejections serve to overcome the Examiner's rejections. Therefore the

rejections have been withdrawn.

Applicant's amendments filed July 10, 2007 in response to the Examiner's

objections serve to overcome the Examiner's objections. Therefore the objections have

been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-4, 6-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,651,171 B1 by England et al.

Regarding **claim 2**, England discloses transferring a number of bytes specified by an operand from a memory (col.7 lines 35-56).

Regarding **claim 3**, England discloses a method comprising configuring a cache memory of a processor to operate in a mode in which cache lines are not replaced (col.11 lines 40-63), transferring a code module to the cache memory of the processor; authenticating the code module storing in the cache memory, and executing the code module from the cache memory in response to determining that the code module stored in the cache memory is authentic (col.3 lines 35-43; col3 line 65 thru col.4 line 13; col.7 lines 1-4) and reconfiguring the cache memory to operate in a mode in which cache lines are replaced in response to cache misses (col.11 lines 40-63).

Regarding **claim 4**, England discloses invalidating the cache memory prior to storing the code module in the cache memory (col.6 lines 6-67).

Regarding **claim 6**, England discloses determining whether the code is authentic

based upon a digital signature of the code module (col.13 lines 27-40).

Regarding **claim 7**, England discloses obtaining a first value from the code

module stored in the cache memory; computing a second value from the code module;

and determining that the code module is authentic in response to the first value and the

second value having a predetermined relationship (col.7 lines 1-34, 57-67).

Regarding **claim 8**, England discloses retrieving a key decrypting a digital

signature of the code module with the key to obtain a first value, hashing the code

module to obtain a second value; and executing the code module in response to the first

value and the second value having a predetermined relationship (col.13 lines 27-40).

Regarding **claim 9**, England discloses wherein decrypting comprises using the

key to RSA-decrypt the digital signature, and hashing comprises apply a SHA-I hash to

the code module to obtain the second value (col.13 line 8 thru col.15 line 50).

Regarding **claim 10**, England discloses retrieving the key from a processor used

to execute the code module (col.15 lines 19-52; ol.11 lines 27-39).

Regarding **claim 11**, England discloses retrieving the key from a chipset (col.15

lines 19-52; col.11 lines 27-39).

Regarding **claim 12**, England discloses retrieving the key from a token (col.7 lines 57-67).

Regarding **claim 13**, England discloses receiving the code module from a machine readable medium (col.6 lines 35-46).

Regarding **claim 15**, England discloses a computing device, comprising a memory, a memory controlled coupled to the memory (col.6 lines 5-67), a machine readable medium interface to receive an authenticated code module from a machine readable medium, a private memory, a separate private memory controlled coupled to the private memory (col.6 lines 5-67); and a processor to transfer the authenticated code module from the machine readable medium interface to the private memory and to authenticate the authenticated code module stored in the private memory (col.3 lines 35-43; col3 line 65 thru col.4 line 13; col.7 lines 1-4).

Regarding **claim 16**, England discloses a key, and the processor authenticates the code module stored in the private memory based upon the key (col.7 lines 1-34, 57-67; col.15 lines 19-52; col.11 lines 27-39).

Regarding **claim 17**, England discloses wherein the processor comprises a key and authenticates the code module stored in the private memory based upon the key of the processor (col.15 lines 19-52; col.11 lines 27-39).

Regarding **claim 18**, England discloses a token, the token comprising a key, wherein the processor authenticates the code module stored in the private memory based upon the key of the token (col.7 lines 57-67; col.4 lines 21-59).
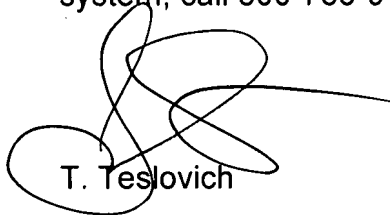
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Teslovich

MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137